



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 24, 1995

Ms. Tracy R. Briggs
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR95-089

Dear Ms. Briggs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30466.

The City of Houston (the "city") received a request for "a copy of the General Order concerning the extra employment of Houston [p]olice officers." You assert that the city may withhold the requested information based on section 552.108 of the Government Code, which states as follows:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

Section 552.108 excepts information from required public disclosure if the release of the information "will unduly interfere with law enforcement and crime prevention." *See Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). Thus, in order for this exception to apply to requested information, a governmental body must demonstrate how release of the information would unduly interfere with law enforcement and crime prevention, unless the records supply this explanation on their face. *See Open Records Decision No. 508* (1988).

You argue that the release of the entire "General Order" ("the order") will endanger police officers and place a perpetrator of a crime at an advantage in various situations involving police officers by providing information about an officer's probable reactions in certain situations. As an alternative to withholding the entire order, you have submitted a copy of the order with highlights of certain information that you say is excepted from required public disclosure under section 552.108. Sergeant Clarence A. Hightower, a city police officer, states that release of the highlighted portions of the order would give a perpetrator of a crime an advantage over a police officer because the order contains information that would allow a perpetrator to anticipate an officer's presence, an officer's equipment or an officer's backup support. Sergeant Hightower goes on to say that "there is always an overriding concern that information that would place a particular officer at a particular place and time be kept from a perpetrator or relative or friend of a perpetrator wishing to retaliate or intimidate an officer."

We do not agree that the release of the order discloses the assignment location or time of a particular officer. Nor do we agree that the release of the entire order reveals an officer's possible reactions in any given situation or gives a perpetrator of a crime an advantage. However, we agree that the release of the highlighted portions of the order would unduly interfere with law enforcement and crime prevention. We have also marked two other portions of the order which if released would cause such interference. Therefore, the city may withhold the highlighted portions and the portions we have marked from required public disclosure based on section 552.108 of the Government Code. However, you have not explained how the other information in the order, which is administrative information, will unduly interfere with law enforcement and crime prevention. Consequently, this information must be released.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", written in a cursive style.

Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 30466

Enclosures: Marked documents

cc: Ms. Samantha A. Ulrich
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